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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,806	12/22/2000	Seppo Matias Alanara	367.39428X00	9056

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EXAMINER

CAO, CHUN

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 06/10/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,806

Applicant(s)

ALANARA, SEPPO MATIAS

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-59 is/are pending in the application.
- 4a) Of the above claim(s) 56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 27-55 and 57-59 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 56 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

FINAL REJECTION

1. Claims 1-59 are presented for examination. Applicant cancels claims 1-26.

Claims 27-59 are newly added claims and presented for examination.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

3. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Election/Restrictions

4. Newly submitted claim 56 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Original claimed of claims 27-55 and 57-59, drawn to: adjusting a time-keeping operation, classified in class 713, subclass 503.

Claim 56, drawn to: detecting error of adjustment for the time-keeping operation and preventing adjustment of the time-keeping operation of the clock, classified in class 714, subclass 799.

a. These inventions have acquired a separate status in the art as shown by their different classification;

b. The search required for one Group is not required for the other Groups for the reasons above restriction for examination purpose as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 56 is withdrawn from consideration as

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being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 U.S.C. § 112

5. Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). The following term lacks proper antecedent basic:

claim 54, line 3, "the first occasion".

b). In claim 54, line 4, the claim language is not clearly understand what is mean by "the clock". It should be --the clock time--.

6. Claims 27-29, 31, 32, 40, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Davidson et al. (Davidson), U.S. Patent No. 4,407,589.

As per claim 27, Davidson teaches a method for maintaining an accuracy of a clock which keeps clock time [col. 5, lines 66-67], comprising the steps of:

setting the clock time on a first occasion [col. 2, lines 9-10; col. 5, lines 20-21];

setting the clock time of on a second occasion [col. 2, lines 13-16; col. 5, lines 21-32]; and

adjusting a time-keeping operation of the clock on a basis of a time which elapsed between the first and second occasions, and a difference in clock time just prior to the second occasion and as set on the second occasion [col. 4, lines 40-61; col. 5, lines 2-9, 28-40; col. 6, lines 11-14].

As to claim 28, Davidson teaches that the clock comprises an oscillator and processing means for processing a signal from the oscillator on the basis of a timing parameter to produce an indication of clock time [figures 1, 2; col. 2, lines 48-50; col. 3, lines 22-29].

As per claims 29 and 40, Davidson teaches that the time-keeping operation of the clock is adjusted by re-tuning a frequency of the oscillator [col. 3, lines 22-29].

As per claim 31, Davidson teaches that the timing parameter of the processing means is adjusted [col. 3, lines 22-26; col. 5, lines 2-9].

As per claim 32, Davidson teaches of setting of the clock time that is performed by a user [col. 5, lines 20-21].

As per claim 54 is written in mean plus function format and contains same limitation as claim 27, therefore same rejection is applied.

7. As per claim 55, Davidson teaches a method for maintaining an accuracy of a clock which keeps clock time [col. 5, lines 66-67], comprising the steps of:

setting the clock time on a first occasion [col. 2, lines 9-10; col. 5, lines 20-21];
setting the clock time of on a second occasion [col. 2, lines 13-16; col. 5, lines 21-32]; and

detecting whether adjusting a time-keeping operation of the clock would be erroneous and if not erroneous [col.2, lines 27-37], adjusting the time-keeping operation of the clock on a basis of a time which elapsed between the first and second occasions, and a difference in clock time just prior to the second occasion and as set on the second occasion [col. 4, lines 40-61; col. 5, lines 2-9, 28-40; col. 6, lines 11-14].

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8. Claims 30, 33-39, 41-53 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al. (Davidson), U.S. Patent No. 4,407,589 in view of Ogiyama (Ogiyama), U.S. Patent No. 5,528,560.

Ogiyama is a prior art reference cited by applicant in paper no. 4

As to claims 30, 33 and 41-44, Davidson does not teach the clock time is set by a remote time reference via a radio interface of a radio device.

Ogiyama teaches that the clock forms part of the radio device [fig. 1], wherein the clock time is set by a remote time reference via a radio interface of a radio device [col. 1, lines 29-35, 54-68; col. 3, lines 2-6].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Davidson and Ogiyama because Ogiyama's teaching stated above would improve the functionality of Davidson's system by setting the clock time remotely.

9. As to claims 34-39 and 45-53 Davidson and Ogiyama together teach the claimed method of steps. Therefore, Davidson and Ogiyama together teach the claimed system to carry out the method of steps.

10. As to claims 57-59 basically are the operating elements that are carried out the method of steps in claims 27-33 and 40-44. Davidson and Ogiyama together teach the claimed method of steps. Therefore, Davidson and Ogiyama together teach the claimed system for carrying out the method of steps.

11. Applicant's arguments filed 3/29/2004 have been fully considered but are not persuasive.

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12. In the remarks, applicants argued in substance that Davidson fails to teach or suggest 1) "a different in the clock time just prior to the second occasion and as set on the second occasion; 2) Davidson fails to teach that the clock time is an actual clock time.

13. As to these points, 1) Davidson teaches the limitation as claimed [see rejection in claim 27 stated above]. 2) Davidson does not explicitly teach the limitation. However, there is no claim language directed to the above limitation.

14. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

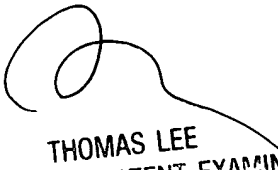
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717. The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chun Cao

June 2, 2004



THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100